

A RESOLUTION BY CITY UTILITIES COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE AN AGREEMENT ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT WITH CSX TRANSPORTATION, INC. FOR THE CONSTRUCTION, USE AND MAINTENANCE BY THE CITY OF ATLANTA OF A PIPELINE FOR THE TRANSMISSION OF POTABLE WATER UNDER AND ACROSS THE TRACKS OWNED OR CONTROLLED AT VARIOUS LOCATIONS BY THE RAILROAD IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00); TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER: 2J21 523001 Q65001; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") proposes to construct, use and maintain a pipeline for the transmission of potable water under and across the tracks and property owned or controlled by CSX Transportation, Inc. ("Railway"), at or near various locations; and

WHEREAS, the Railway has indicated its willingness to allow the City to construct, use and maintain this pipeline pursuant to the terms and conditions of the Agreement (or an agreement containing substantially the same terms and conditions) ("Agreement") attached to this legislation as Exhibit 1; and

WHEREAS, the City has reviewed the Agreement and believes it to be in its best interests and is willing to enter into this transaction based upon the terms and conditions contained within the Agreement (or an agreement containing substantially the same terms and conditions).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or designee be, and is hereby, authorized to enter into the Agreement (or an agreement containing substantially the same terms and conditions) with CSX Transportation, Inc.; and

IT IS FURTHER RESOLVED, that the City Attorney is directed to finalize with Railway, or its representatives, the Agreement, for execution by the Mayor, to be approved by the City Attorney as to form; and

IT IS FURTHER RESOLVED, that all fees not to exceed Fifty Thousand Dollars and No Cents (\$50,000.00) shall be paid under the Agreement out of Fund Account and Center Number 2J21 523001 Q65001; and

IT IS FURTHER RESOLVED, that the Agreement will not become binding upon the City and the City will incur no liability under it until the Mayor has executed it, it has been attested by the Municipal Clerk, and delivered to Railway.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE GREG PRIDGEON
(For review & distribution to Execution Management)

Commissioner's Signature: Jack E. Rawan

From: Origination Dept. **Watershed Management**

Contact (name): Melinda Langston – Ext. 6773

Committee(s) of Purview: City Utilities Committee

Council Deadline: July 14, 2003

Committee Meeting Dates(s): July 29-30, 2003

City Council Meeting Date: August 18, 2003

CAPTION:

A Resolution authorizing the Mayor or designee to execute an Agreement on behalf of the Department of Watershed Management with CSX Transportation, Inc. for the construction, use and maintenance by the City of Atlanta of a pipeline for the transmission of potable water under and across the tracks owned or controlled at various locations by the Railroad in an amount not to exceed Fifty Thousand Dollars and No Cents (\$50,000.00); to be charged to and paid from Fund Account and Center Number: 2J21 523001 Q65001; and for other purposes.

BACKGROUND/PURPOSE/DISCUSSION:

The Department of Watershed Management requires a License Agreement with CSX Transportation, Inc. for right-of-way to its properties for construction, use and maintenance for the transmission of potable water under and across the tracks owned and controlled by CSX Transportation, Inc.

FINANCIAL IMPACT (if any) \$50,000.00

Mayor's Staff Only

Received by Mayor's Office: 7/21/03 (date) Reviewed by: JS (initials) (date)

Submitted to Council: _____
(date)

Action by Committee: _____ Approved _____ Ad versed _____ Held _____ Amended
_____ Substitute _____ Referred _____ Other